

United States District Court  
Eastern District of Michigan  
Southern Division

United States of America,

Case No: 23-20152

v.

Hon. Mark A. Goldsmith

Jack Eugene Carpenter III,

Defendant.

\_\_\_\_\_ /

**Stipulation and Order to reschedule the competency hearing**

Through their respective counsel, the parties stipulate, agree, and jointly ask that this Court adjourn the competency hearing from Tuesday, November 7, 2023 until Monday, December 11, 2023 at 2:00 p.m.

On June 22, 2023, the Court found reasonable cause to believe that the defendant may be suffering from a mental defect rendering him mentally incompetent to stand trial and ordered that he be committed to the custody of the Attorney General for a psychiatric or psychological evaluation. (ECF No. 43, PageID.227). On October 26, 2023, the parties received a written report from a psychologist for the Bureau of Prisons detailing the defendant's competency evaluation. The Court thereafter set a competency hearing for November 7, 2023. The defendant plans to

contest that evaluation and requests that the doctor and author of the report be present in person for the hearing so that the defendant can confront and cross-examine the doctor. 18 U.S.C. § 4247(d). The doctor, who works at SeaTac, a federal detention center located in Seattle, Washington, is unavailable November 7, and the next date that works for the parties is December 11, 2023. The defendant, through his undersigned counsel, agrees that the competency hearing should be adjourned to December 11 so that the evaluating doctor can be present in person. Further, this adjournment is necessary so that both parties can adequately prepare for the hearing. Therefore, the parties stipulate and agree that the ends of justice under 18 U.S.C. § 3161(h)(7)(B) outweigh the best interests of the defendant and the public in a speedy trial.

The parties stipulate that the period beginning on November 7, 2023, and ending with the conclusion of the competency hearing held under 18 U.S.C. §§ 4241 and 4247, constitutes excludable delay under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(1)(A) as “delay resulting from any proceeding, including any examinations, to determine the mental competency or physical capacity of the defendant[.]” The parties

also stipulate and agree that this stipulation and any order results from it shall not affect any previous order of pretrial detention or pretrial release.

**IT IS SO STIPULATED.**

Respectfully,

DAWN N. ISON  
United States Attorney

s/ Hank Moon  
Hank Moon  
Frances Carlson  
Assistant United States Attorneys  
211 W. Fort Street, Suite 2001  
Detroit, MI 48226  
hank.moon@usdoj.gov

s/ J.P. Nogues (with consent)  
J.P. Nogues  
Attorney for Jack Carpenter  
Federal Defender Office  
613 Abbott, 5th Floor  
Detroit, MI 48226  
jean\_nogues@fd.org

Date: November 6, 2023

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**Order rescheduling the competency hearing and finding  
excludable delay**

The Court has considered the parties' joint stipulation to continue the competency hearing and for a finding that the additional time qualifies as excludable delay under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(1)(A) and (h)(7). For the reasons described in the parties' submission, and after considering the factors listed in § 3161(h)(7), the Court finds that the ends of justice served by granting the parties' requested continuance outweigh the best interests of the public and the defendant in a speedy trial. It further finds that the time from November 7, 2023, to the new competency hearing date of December 11, 2023, qualifies as excludable delay under §§ 3161(h)(1)(A) and 3161(h)(7).

**IT IS SO ORDERED** that the competency hearing is rescheduled for December 11, 2023, at 2:00 p.m.

**IT IS FURTHER ORDERED** the time between November 7, 2023, and December 11, 2023, is excludable pursuant to the provisions of the Speedy Trial Act, 18 U.S.C. § 3161(h)(1)(A) as “delay resulting from any proceeding, including any examinations, to determine the mental competency or physical capacity of the defendant” and 18 U.S.C. § 3161(h)(7) because considering the factors in 18 U.S.C. § 3161(h)(7)(B) along with the parties’ stipulation, the Court finds that the ends of justice is served by this delay outweigh the best interest of the defendant and the public in a speedy trial.

**SO ORDERED.**

Dated: November 6, 2023  
Detroit, Michigan

s/Mark A. Goldsmith  
MARK A. GOLDSMITH  
United States District Judge